IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 21251 of 1995

Between:

Siripuri Veera Venkata Satyanarayana, s/o. Nagabhushanam,
r/o. Vattigadda, Rajavommangi Mandal,
East Godavari District.

..... PETITIONER

AND

1 Deputy Collector,
Tribal Welfare, Rampachodavaram,
East Godavari District.
2 Mandal Revenue Officer,
Rajavommangi mandalam, East Godavari District.
3 Smt. Miriyala Ramayamma, W/o. Bulliraju,
Tantikonda Village, Rajavommangi Mandalam,
East Godavari District.
4 Sri Miriyala Venkata Ramana, S/o. Bulliraju,
R/o. Tantikonda Village, Rajavommangi Mandalam,
East Godavari District.
5 Smt. Nagamani, W/o. Nageswara Rao,
R/o. Tantikonda Village, Rajavommangi mandalam,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly a writ in the nature of CERTIORARI to call for the records and to quash the Proceedings of L.T.R.P.No. 48/94 issued by the 1st Respondent herein and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.DHARMA RAO

Counsel for the Respondent NoS.1 ND 2: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos. 3 to 5:

The Court made the following :

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ORDER:

This writ petition is filed challenging the proceedings in LTRPNo.48 of 1994 issued by the 1st respondent, Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District.

The case of the petitioner, in brief, is that he is the owner and possessor of the lands in question. Though on earlier occasion LTRP No.10 of 1976 instituted pursuant to the complaint made by one Miryala Dongannadora for restoration of the lands in question ended in dismissal, on a further complaint made by him, LTRP No.80 of 1988 was instituted. Questioning the proceedings in LTRP No.80 of 1988, the petitioner filed a Writ Petition No.6148 of 1989 and the same is pending. Further, the respondents 3 to 5 herein approached the 1st respondent and the 1st respondent again initiated proceedings in LTRP No.48 of 1994 and challenging the said proceedings in LTRP No.48 of 1994, the present writ petition has been filed.

The learned Counsel for the petitioner contends that the land in Sy.No.43/1 to an extent of Ac.6.28 cents was acquired by the petitioner's grandfather and the land in Sy.No.44/2 to an extent of Ac.4.12 cents was purchased by the father of the petitioner under registered sale deed dated 5.7.1920 and ever since, the family of the petitioner has been in possession of the same. It is further contended that the 1st respondent has no power or jurisdiction to entertain the L.T.R.P.No.48 of 1994 without proof of prohibitory transfer, and that the proceedings impugned are barred by *res judicata* in view of the orders in D. Dis.No.25527/50 dated 30.12.1950 passed in LTRP No.10 of 1976 and hence, the impugned proceedings are liable to be quashed.

The learned Government Pleader contends that the petitioner did not produce the documents relating to the lands in question and the final orders are yet to be passed in the above LTRP No.48 of 1994 and as such, this petition is not maintainable and therefore, the writ petition is liable to be dismissed.

A perusal of the material on record, it is seen that the writ petitioner without

giving any reply to the notice issued by the lower Court in L.T.R.P.No.48 of 1994, dated 30.12.1950, has straightaway approached this Court by way of this instant writ petition. Further, final orders are yet to be passed in the instant L.T.R.P.

In view of the above circumstances, I am of the view that the present writ petition is misconceived and is liable to be dismissed since the same has been filed without exhausting the remedies available under law.

The writ petition is merit less and it is accordingly dismissed. However, the authorities concerned shall proceed with the matter, in accordance with law, and conclude the proceedings expeditiously. It is open to the petitioner to raise all please as are available to him under law. No costs.

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27th January, 2005

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Copy to:

1. The Deputy Collector, Tribal Welfare,
   Rampachodavaram, East Godavari District.
2. The Mandal Revenue Officer, Rajavommangi
   Mandal, East Godavari District.
3. Two Copies to the Government Pleader for Social Welfare,
   High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)
4. Two C.D.Copies.